

REMARKS

Claim Rejections under 35 U.S.C. § 103(a)

Claims 34 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aicher et al and Littlefield et al, US 6,214,865 (“the ‘865 patent”). This rejection is respectfully traversed and reconsideration thereof is respectfully requested.

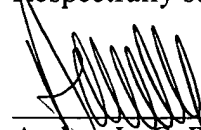
The Examiner indicates that Aicher teaches halichondrin B as an antitumor agent and Littlefield teaches halichondrin analogues combinable with other ingredients. The Examiner asserts that Applicants are combining two compounds to perform the same function each performs individually and that such combinations are prima facie obvious. The Examiner also cites *In re Kerkhoven* in support of her assertion that “claims directed to a composition that require no more than mixing together of conventional anti-tumor agents set forth prima facie subject matter.”

Applicants respectfully submit that the ‘865 patent is not proper prior art with respect to the present application because the present application claims priority to the ‘865 patent. That priority claim is properly set forth at the first paragraph of the present application and clearly indicates that the present application claims priority from, *inter alia*, U.S. Patent Application Serial No. 09/334,488, filed June 16, 1999, now U.S. Patent No. 6,214,865. Accordingly, Applicants respectfully submit that this rejection in view of the ‘865 patent is moot and request acknowledgment of the same.

No new matter has been added.

Applicants respectfully submit the above arguments and respectfully request that the Examiner acknowledge patentability of pending claims 34 and 35. Applicants invite the Examiner to call their agent, Andrea L. C. Robidoux at (617) 248-5124, with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,



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